

#### **DETAILED ACTION**

The amendment filed on January 27, 2010 is acknowledged and entered.

The declaration under 37 CFR 1.132 filed January 27, 2010 is sufficient to overcome the rejection of claims 20-22, 27, 31-33, 35, 37-41, 43, 50-52 and 54 based upon that Finer and Rangan do not teach the addition of an ethylene inhibitor and an antioxidant under dark lighting condition of 0  $\mu$ Einstens  $m^2 sec^{-1}$  to induce regenerable cotton embryogenic callus.

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ron Laby on April 15, 2010.

#### **IN THE CLAIMS:**

- A. Claim 1 has been cancelled.

#### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:  
Lashermes (J. Genet. & Breed. 46: 99-102 (1992) is made of record to show the state of the art, and is the closest analogous art known to the Examiner. Lashermes teaches the presence of silver nitrate (ethylene inhibitor) and activated charcoal (antioxidant) in wheat anther culture (p. 101 and Table 2). Lashermes taught that the combination of silver nitrate and charcoal in the 'Hodhod' culture medium showed some evidence of embryoid production. However, there was not much difference between

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combination of silver nitrate and charcoal and silver nitrate alone regarding to the number of plants per 100 anthers (Table 2). Moreover after the transfer, the 'Hodhod' culture with the combination of silver nitrate and charcoal did worse (Table 2). Thus, teaching away from using combination of silver nitrate and charcoal (Table 2).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

Claims 20-22, 27, 31-33, 35, 37-41, 43, 50-52 and 54 are allowable.

#### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to June Hwu whose telephone number is (571) 272-0977. The Examiner can normally be reached Monday through Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anne Marie Grunberg, can be reached on (571) 272-0975. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/June Hwu/

Primary Examiner, Art Unit 1661